

the project, from sharing and tracking information with their sister school in Montello, Italy, to downloading and sending digital photographs. I was also impressed by a video documentary of the project and related activities that was made in conjunction with the Experimental Aircraft Association (EAA).

The Wisconsin students were able to go to Florida to view the Discovery launch in October. They raised their own money for the trip through a variety of fund-raisers which included selling cookies and T-shirts and hosting a spaghetti dinner.

Seventh and eighth grade students in the Montello School system are co-authoring a children's picture book. The students developed their own ideas for the character, plot, settings and illustrations featuring children from Montello, Italy and Montello, Wisconsin. The book will feature NASA projects as seen from the children's perspective. They will be submitting the book to a professional publisher. A literacy quilt was created to highlight the success of the NASA Project.

Catherine Alexander, teacher, has been asked to have the students do a multimedia presentation on the seed project at the Naval Academy in Annapolis in September.

The time and effort the students of Montello, Wisconsin and Il Montello di Italy put into this project was phenomenal and their achievements and successes should be recognized. I believe these students deserve a full measure of praise for all they have accomplished.

IN SPECIAL RECOGNITION OF
LONA R. PIEPER ON HER AP-
POINTMENT TO ATTEND THE
UNITED STATES MILITARY
ACADEMY

HON. PAUL E. GILLMORE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMORE. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young lady from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Lona R. Pieper for an appointment to attend the United States Military Academy at West Point, New York.

I am pleased to announce that Lona has been offered an appointment and will be attending West Point with the incoming cadet class of 2003. Attending one of our nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academies provide the training and experience needed to help turn these young adults into the finest officers in the world.

Mr. Speaker, without question, Lona Pieper belongs with the incoming West Point class of 2003. While attending Wellington High School, in Wellington Ohio, Lona achieved a grade point average of 2.92, which has earned her several Merit Awards and placed her on the Honor Roll each year. In addition, Lona has served as Vice President of the Senior Class and President of the Key Club. She has also been active in the French Club, Student Council, and Civil War Club.

Not only has Lona distinguished herself in the classroom, but she has performed wonderfully on the fields of competition. An outstanding student-athlete, Lona is the starting centerfielder on the Wellington High School Varsity Softball Team and is the team's Co-Captain. I am happy to announce that Lona is being recruited for Intercollegiate Athletics at West Point.

My Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Lona Pieper. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Lona will do very well at West Point, and I wish her much success in all of her future endeavors.

TRIBUTE TO LESTER AND LOIS
WHITING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a distinguished couple in my community.

Lester and Lois Whiting lived, worked, and raised their family in the Tichnor community and resided there all their days. They were both descendants of pioneer families in south Arkansas County. They were the kind of people that always cared about their neighbors and community, were always ready to do their part for the common good.

The Whitings were the kind of people that only wanted a fair chance. They took care of their own business and achieved success in doing this.

They brought honor and distinction to their family and community with their quiet service and support. They are of the "Greatest Generation" that worked hard, played by the rules, and made this country what it is today.

If as some say, your children are the true measure of your success, then the Whitings are indeed successful.

I have been privileged to have lived among wonderful people like the Whitings all of my life.

The world is a better place because they lived. I have been blessed to have had such friends.

THE MULTIDISTRICT TRIAL
JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing the Multidistrict Trial Jurisdiction Act of 1999 at the behest of the Administrative Office of the U.S. Courts (or "AO").

The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs Federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven Federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the districts where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the "transferee court") often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself. According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a "resolution" with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 1404 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that "the floor of Congress" was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, this legislation responds to Justice Souter's admonition. My bill would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice under the Multidistrict Litigation statute. It obviously promotes judicial administrative efficiency. I therefore urge my colleagues to support the Multidistrict Trial Jurisdiction Act of 1999.